

Cheng, Christopher (CRT)

From: Nick Morisani (3351) <Nicholas.Morisani@phelps.com>
Sent: Friday, January 28, 2022 7:30 PM
To: Cheng, Christopher (CRT); Reuben Anderson (3339); Tommy Siler (3357);
rchambers@cglawpartners.com; Tony Gaylor; lmoore@co.hinds.ms.us; Jim Shelson (3724); Lisa
Simpson; jhall@halllawgrp.com
Cc: Njoku, Anthony (CRT); Cowall, Laura (CRT); Steege, Sarah (CRT); Vera, Helen (CRT); Paige, Mitzi
(USAMSS)
Subject: [EXTERNAL] RE: Hinds County ADC - meet and confer request

Chris,

My apologies for not being able to talk this morning. After reflecting on the three requests below and the monitoring visit this week, we cannot agree to stipulate that the Monitor Reports and hearing transcripts may be admitted into evidence for the truth of the matters asserted (i.e. no hearsay objection) (Item No. 1 below) and we cannot agree to stipulate to the Monitor's qualifications to offer testimony in their subject areas (Item No. 2 below). With respect to defense experts, we are working to retain experts and believe we are close to doing so, but I do not think it reasonable to have an expert provide a report given the expedited nature of the hearing in this matter. Please let me know if you would like to discuss this next week.

Thanks.

From: Cheng, Christopher (CRT) <Christopher.Cheng@usdoj.gov>
Sent: Wednesday, January 26, 2022 10:49 AM
To: Nick Morisani (3351) <Nicholas.Morisani@phelps.com>; Reuben Anderson (3339) <Reuben.Anderson@phelps.com>; Tommy Siler (3357) <Tommy.Siler@phelps.com>; rchambers@cglawpartners.com; Tony Gaylor <tgaylor@co.hinds.ms.us>; lmoore@co.hinds.ms.us; Jim Shelson (3724) <Jim.Shelson@phelps.com>; Lisa Simpson <elizabeth.simpson@comcast.net>; jhall@halllawgrp.com
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Subject: Hinds County ADC - meet and confer request

Nick,

We would like to meet and confer with you and Mr. Hall about the following matters - 1) monitor reports and hearing transcripts' admissibility, 2) monitor qualifications to testify, and 3) defense expert disclosures.

First, we need to confirm whether the parties are stipulating that the Monitor Reports and hearing transcripts may be admitted for the truth of the matters asserted (i.e. no hearsay objection), and may be cited and relied upon by the parties.

While your January 11 response indicated that you would agree to this stipulation, you also said that you were reserving the right to object to the reports and transcripts. We inquired as to what objections you reserve the right to make, but did not receive a response. So it is not clear if the parties have reached actual agreement.

Second, we need to confirm whether the county will stipulate to the Monitor's qualifications to offer testimony in their subject areas. You had indicated that this issue was under review, but we have not received any further updates.

Third, we need to know if you will be providing any defense expert disclosures (names, cv's, reports, summaries of opinions, publication/testimony lists). Otherwise, our understanding is that the County does not believe it has any obligation to provide such disclosures, and you have not even told us the names of any of your experts.

Please be advised that if we cannot resolve these issues by agreement, we are considering filing a motion in limine or otherwise raising them with the court.

If you and Mr. Hall are available, there is time on the tour schedule to discuss these matters today, in the afternoon after 4:00 pm CST, or tomorrow afternoon.

Chris

Christopher N. Cheng
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